

REMARKS

This response is offered in response to the Office Action of September 23, 2004. Upon entry of this response, Applicant respectfully requests reconsideration of the above referenced application. Claims 1-28 remain in the application.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6, 8-10, 14-18, 22, 23, 26 & 27 were rejected under 35 U.S.C. §102(e) as being unpatentable over Patent App. No. 09/900,937 filed by Akhterzzaman et al. (*Akhterzzaman*). In response, Applicant respectfully traverses the rejection of such claims.

Akhterzzaman discloses preventing activation of audible incoming call indicators based on geographical area. According to Fig. 3, the method performed at the system infrastructure involves transmitting accepted location information to a device (boxes 301 and 303). The infrastructure then intercepts calls directed to the device while the device is within a restricted-use area (boxes 305 and 307).

In contradistinction to the teachings of *Akhterzzaman*, claim 1 is generally directed to a method of sending a command associated with an event from a first device to a second device that causes an action at the second device related to an alert mechanism. In this regard, claim 1 includes the feature of:

associating a command with an event at a first device.

It is well established that obviousness requires a teaching or a suggestion by the reference relied upon of all the elements of a rejected claim (M.P.E.P. §2142). Without conceding the appropriateness of the reference, Applicant respectfully submits that the Examiner has failed to establish a prima facie basis of novelty or obviousness insofar as *Akhterzzaman* fails to disclose or suggest at least the element of associating a command with an event at a first device.

Rather, as discussed above, *Akhterzzaman* discloses transmitting accepted location information to a device and intercepting calls directed to the device while the device is within a restricted-use area. The Office Action contends that box 301 and ¶19 disclose associating a command with an event at a first device. However, Examiner has not provided, and Applicant is unable to find, support for this conclusion. In this way, Examiner has failed to meet that expected standard of specifically providing support for each rejection, thereby denying Applicant a fair opportunity to respond.

To the extent Examiner is interpreting “location information” to be “a command,” Applicant respectfully disagrees. As disclosed in *Akhterzzaman*, location information may include location coordinates and/or time duration and/or application day(s) of restricted-use areas (see ¶16). Applicant respectfully asserts that location information is not a command, at least because it does not include an action that is to occur. Furthermore, Applicant has no idea what Examiner is interpreting to be “an event.” Since *Akhterzzaman* does not contain any teaching or suggestion of associating a command with an event at a first device, it cannot contain any teaching or suggestion of all the elements of claim 1.

Thus, in light of the foregoing, Applicant respectfully asserts that the *Akhterzzaman* reference fails to disclose or suggest that which is claimed in rejected claim 1. Accordingly, Applicant respectfully requests that the §102(e) rejection of claim 1 be withdrawn.

Applicant notes that rejected claims 16 and 26 enjoy claim features similar to that of rejected claim 1 and are, likewise, patentable over the cited reference for at least reasons analogous to those presented above with respect to claim 1. Accordingly, Applicant respectfully requests that the §102(e) rejection of claims 6 and 12 be withdrawn.

Rejected claims 2-6, 8-10, 14-15, 17-18, 22-23 and 27 depend from patentable base claims 1, 16, or 26. Thus, in addition to any independent basis for patentability, Applicant respectfully asserts that claims 2-6, 8-10, 14-15, 17-18, 22-23 and 27 are patentable over the *Akhterzzaman* reference by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §102(e) rejection of such claims be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 7, 25 & 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Patent App. No. 09/900,937 filed by Akhterzzaman et al. (*Akhterzzaman*). In response, Applicant respectfully traverses the rejection of such claims.

As introduced above, *Akhterzzaman* does not disclose or suggest the claimed element of associating a command with an event at a first device. Thus, Applicant respectfully asserts that rejected claims 7, 25 & 28 are, indeed, patentable over the *Akhterzzaman* reference. Accordingly, Applicant respectfully requests the §103(a) rejection of claims 7, 25 & 28 be withdrawn.

Claims 11-13 & 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Akhterzzaman* in view of Patent No. 6,006,114 issued to Seppanen et al. (*Seppanen*). In response, Applicant respectfully traverses the rejection of such claims.

As introduced above, *Akhterzzaman* does not disclose or suggest the claimed element of associating a command with an event at a first device. Applicant notes that *Seppanen* is not cited as curing and does not, in fact, cure such deficiencies of *Akhterzzaman* as applied to, e.g., rejected claims 11-13 & 19-21. Thus, without the need to further characterize *Seppanen*, and without adopting the characterization of the reference found in the Action, Applicant respectfully asserts that rejected claims 11-13 & 19-21 are, indeed, patentable over the *Akhterzzaman* and

Seppanen combination of references. Accordingly, Applicant respectfully requests the §103(a) rejection of claims 11-13 & 19-21 be withdrawn.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Akhterzzaman* in view of Patent No. 6,574,471 issued to Rydbeck (*Rydbeck*). In response, Applicant respectfully traverses the rejection of such claims.

As introduced above, *Akhterzzaman* does not disclose or suggest the claimed element of associating a command with an event at a first device. Applicant notes that *Rydbeck* is not cited as curing and does not, in fact, cure such deficiencies of *Akhterzzaman* as applied to, e.g., rejected claim 24. Thus, without the need to further characterize *Rydbeck*, and without adopting the characterization of the reference found in the Action, Applicant respectfully asserts that rejected claim 24 is, indeed, patentable over the *Akhterzzaman* and *Rydbeck* combination of references. Accordingly, Applicant respectfully requests the §103(a) rejection of claim 24 be withdrawn.

Conclusion


For at least the foregoing reasons, Applicant respectfully submits that the rejections of claims 1-28 have been traversed. Applicant respectfully submits that claims 1-28 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

Date:

11/22/04



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